

REQUEST FOR FILING A PATENT APPLICATION  
UNDER 37 C.F.R. §1.60

GI 5238-DIV  
Page 1 of 3

DOCKET NUMBER	ANTICIPATED CLASS	SUBCLASS	PRIOR APPLICATION/ EXAMINER	GROUP ART UNIT
5238-DIV			08/495,724 P. Nolan	1816

Address to: Commissioner of Patents and Trademarks  
Box Patent Application  
Washington, D.C. 20231

2/A  
SG  
12-9-97

Sir:

This is a Request for filing a divisional application under 37 CFR §1.60 of pending prior application Serial No. 08/495,724 filed on June 27, 1995

entitled: Method of Using IL-11 For Treating Various Diseases.  
by the following inventors:

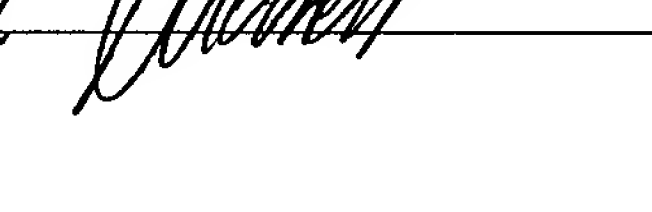

James Keith and Paul Schendel

1. ☒ Pursuant to 37 CFR §1.60(b)(2), enclosed is a true copy of the prior application including the oath or declaration and any drawings. I hereby verify that the attached papers are a true copy of prior application Serial No. 08/495,724 as originally filed on June 27, 1995 including the oath or declaration and drawings, and further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

CLAIM TYPE	CLAIMS FILED MINUS BASE	Equals number extra claims	RATE	FEE
Independent	1 - 3	0	x \$80.00=	\$ 0.00
Total	27 - 20	7	x \$22.00=	\$154.00
[ ] Multiple Dependent Claims (1st presentation)			+\$260.00	0.00
BASIC FILING FEE			\$770.00	\$770.00
TOTAL FEE				\$924.00

CERTIFICATE OF EXPRESS MAILING

"Express Mail" mailing number EM539867784 US  
Date of Deposit JULY 15, 1997  
I hereby certify that the above specified paper(s) and/or fee(s) is being deposited with the U.S. Postal Service as "Express Mail" service under 37 CFR §1.10, in an envelope addressed to Honorable Commissioner of Patents and Trademarks, Box Patent Application, Washington, D.C., 20231, on the date of deposit as indicated above.



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2. ☐ A verification of small entity status is ☐ enclosed ☐ was filed in prior application \_\_\_/\_\_\_ and such status is still proper and desired.
3. ☒ The fee has been calculated above; the Commissioner is hereby authorized to charge payment of \$924.00 under §1.16 associated with this communication or credit any overpayment, or any additional fees which may be required in connection with this filing, to Deposit Account No. 07-1060.
4. ☐ Add in this application claims \_\_\_ - \_\_\_ per enclosed preliminary amendment; and cancel in this application original claims 1-\_\_\_ of the prior application before calculating the filing fee. **[At least one original independent claim must be retained for filing purposes.]**
5. ☒ Amend the specification by inserting before the first line the sentence:

-- This application is a divisional, of application Serial No. 08/495,724, filed June 27, 1995, <sup>now</sup> and ~~U.S. Patent No. 5,679,334~~ issued on \_\_\_ as USPN-\_\_\_ . --

6. ☐ Priority of application Serial No. \_\_\_ filed on \_\_\_ [date/country] is claimed under 35 U.S.C. §119.
- ☐ The certified copy has been filed in prior application Serial No. \_\_\_, filed \_\_\_.
7. ☒ The prior application is assigned of record to Genetics Institute, Inc., Cambridge, MA 02140; recorded August 31, 1995, reel 7627, frame 0804.
8. ☐ 8a. ☐ New formal drawings are enclosed.
- 8b. ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.
- 8c. ☐ A true copy of the drawings in the prior application is enclosed; see item 1.
9. ☐ A Petition for Extension of Time, fee have been filed to extend the time in the pending prior application until \_\_\_.
10. ☒ A preliminary amendment and compilation of claims pending after amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
11. ☐ A statement pursuant to 37 CFR §1.821(e) is enclosed [statement which refers to previously filed Sequence Listing].

12. ☒ The Power of Attorney in the prior application is to:

Bruce M. Eisen  
Registration No. 22,847

Thomas J. DesRosier  
Registration No. 30,168

Ellen J. Kapinos  
Registration No. 32,245

Steven R. Lazar  
Registration No. 32,618

M. C. Meinert  
Registration No. 31,544

Scott A. Brown  
Registration No. 32,724

- a. ☒ The Power of Attorney appears in the original papers in the prior application.  
b. ☐ As the power does not appear in the original papers, a copy of the power in the prior application is enclosed.  
c. Address all future communications to:

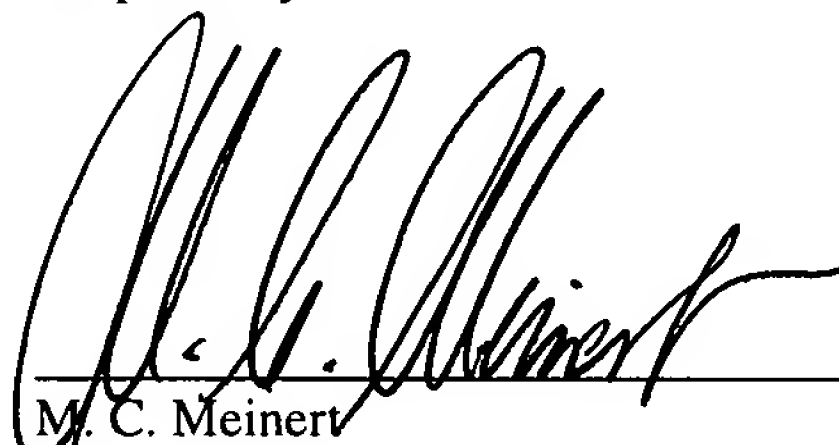
**M.C. MEINERT**  
**Legal Affairs Department**  
**Genetics Institute, Inc.**  
**87 CambridgePark Drive**  
**Cambridge, MA 02140**

13. ☒ Copies of the Information Disclosure Statements, PTO-1449 forms filed in the prior applications are attached. (June 27, 1995) (February 6, 1997).  
14. ☒ Express Mail Certificate Label [#] EM539867784US.  
15. ☐ Also enclosed is: \_\_\_\_\_

SUBMITTED IN TRIPLICATE

Date: July 15, 1997

Respectfully submitted,



M. C. Meinert  
Registration No. 31,544  
Attorney for Applicants  
Legal Affairs  
Genetics Institute, Inc.  
87 CambridgePark Drive  
Cambridge, Massachusetts 02140-2387  
617.498.8574

- ☒ Attorney or agent of record  
☐ Filed under §1.34(a)

FAOM Checklist

Appl. Ser. No. ... 08/892,407..... FD ... 7/15/97  
5 date EFD 6/27/95 ... via ... 08/495,724.....

Briefed *yes*

Form 948 present? *none*

Declaration (06-05)

PCT referred to? *N/A*  
priority dates OK? *yes*  
continuing dates OK? *yes*  
CIP duty? (06-05-09) *N/A*

Meets conditions for priority (02-09) *yes*

Sequences in compliance? *N/A*

Restriction/Election? *species election*

Priority Docs present? *N/A*

File wrapper labeled OK and initialed? *yes*

Title (06-11) *change*

Abstract (06-12 missing) *OK*  
(06-13 informs) *OK*  
(06-14,15 content) *OK*

Figures (06-22) *none*

Brief Description *none*

Amendments? *none*

IDS checked *none*

Seq Srch requested *none*

Copies of refs requested *none*

07-29, 06-31?

07-34